IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8506 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MEGHANI VINODRAI JAYANTILAL

Versus

M T ZALAVADIA DDARSH VIDYALAYA

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Appearance:

MR SV RAJU for Petitioners

RULE SERVED for Respondent No. 1

MR ND NANAVATI for Respondent No. 2

MR BIPIN P JASANI for Respondent No. 3

GOVERNMENT PLEADER for Respondent No. 4

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CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 21/04/2001

ORAL JUDGEMENT

The petitioners were working as Assistant Primary Teacher in one Shri M.T.Zalavadia Adarsh Vidyalay at

Upleta, District Rajkot.

2. It appear that the petitioners filed Application No.118 of 1987 before the Gujarat Primary Education Tribunal at Ahmedabad praying, inter alia, that their services should not be terminated and they should be paid full salary as per Government directions. The Tribunal vide order dated 12th October, 1987 was pleased to direct that the petitioners' services should not be terminated and that they should be paid regular salary by cheque.

3. It appears that there were some disputes between the School Management and the petitioners and Respondent No.2 - Trust, which is managing the school, decided to close down the school. The petitioners, therefore, approached the Gujarat Primary Education Tribunal seeking directions to restrain the management from closing down the school. The Tribunal vide its order dated 11.4.1988 held that the Tribunal had no jurisdiction to decide on the question of closure of the School. It is this order which is under challenge in the present petition.

4. However, at the time of hearing, we were informed on behalf of Respondent No.2, namely, the Trust, managing the School and Respondent No.3, the Administrative Officer, District Primary Education Office, Upleta that this petition has become infructuous, in view of the fact that the services of the petitioners have already been terminated and further the school has stopped functioning.

5. In view of these circumstances, this petition is disposed off accordingly as having become infructuous. Rule discharged with no order as to costs.

(D.A. Mehta, J)
'Bhavesh'